

March 21, 2011

Yolanda Cruz  
President, Municipal Employees' Federation, AFSCME, Local No. 101  
c/o Dr. MLK Jr. Library  
150 E. San Fernando St.  
San Jose, CA 95112-3580

LaVerne Washington  
President, Confidential Employees' Organization, AFSCME, Local No. 101  
c/o City Attorney's Office  
200 East Santa Clara Street  
San Jose, CA 95113

**RE: Information Request Dated March 14, 2011**

Dear Yolanda and LaVerne:

I am in receipt of your information request dated March 14, 2011. This letter responds to the requests where information is readily available.

Again, we want to express our concern with the amount of information being requested. Including this request, MEF and CEO have requested a total of 99 specific information requests since February 8, 2011, much of which is not specific to MEF and CEO. Further, the City has not seen any proposals from MEF and CEO responsive to information the City has already provided. Information requests related to non-bargaining unit employees are not presumptively relevant. We are asking for further written explanation to the relevance of this data when the City is bargaining specifically with MEF and CEO for successor MEF and CEO MOAs. As we previously indicated on March 18, 2011, gathering this information would require the City to expend significant resources, having a significant cost in City time and resources.

The City is not required to create data or reports, especially related to items where the City has not proposed any change. Also, MEF and CEO's information request requires the City to do significant analysis of data. Both the creation of information and analysis of data require the City to expend significant resources and have a considerable impact on City time and resources, which are in short supply.

For items that are not readily available and would be unduly burdensome and costly to obtain, we have determined an estimate of the cost to compile the requested information. We have noted this in the response below. If MEF and CEO are still interested in obtaining this information, the parties may meet and confer over the costs to provide such information. If MEF and CEO wish to meet and confer over the cost of providing the requested information, the City believes that it is appropriate to hold those discussions apart from the current negotiations over a successor agreement. Given the limited amount of time, we wish to use the time we have to

try to reach an agreement with MEF and CEO prior to the adoption of the City's budget for Fiscal Year 2011-2012.

Our responses to each of the information requests are below:

1. A list of all job titles in the bargaining units with the current salary information for each incumbent, date of hire, and fund in which personnel costs are accounted.

The City would have to do significant analysis to provide MEF/CEO with the fund in which personnel costs for employees are accounted for each and every bargaining unit, including Unit 99. Please see attached cost estimate (Attachment A).

Even if the City had this data readily available, the items requested are not presumptively relevant because MEF/CEO have asked for information related to employees not represented by MEF/CEO. Please provide written explanation as to the relevance of this data to MEF/CEO negotiations.

2. A list of all current contracts for services including a brief description of the scope of services and annual cost for each contract for the last five fiscal years and for FY2011 and FY2012.

Although this information does not appear to be relevant to MEF/CEO negotiations, information related to service contracts can be found on the City's website at: <http://web-apps/clerk/chad/prod/contracting.asp?lst=1>.

MEF/CEO can use the information from the website to determine this information.

3. The number of mid-level and higher level managers and the number of non-supervisory employees in each city department.

We are unclear what you mean by "mid-level and higher level managers." However, information regarding the specific classifications and budgeted Full-Time Equivalents (FTEs) by Department are available in the City's 2010-2011 Adopted Operating Budget, which is available on the City's website at: <http://www.sanjoseca.gov/budget/FY1011/AdoptedOperating2010.asp>.

MEF/CEO can use the information in the Adopted Operating Budget to determine this information.

4. A list of all new capital projects started in FY2011 and projected to start in FY2012 including the annual cost for each project.

Although this information does not appear to be relevant to MEF/CEO negotiations, information related to new capital projects and their estimated cost are available in the City's Adopted Operating Budget, City's Capital Budget, and the City's Five Year Forecast, which are available on the City's website at: <http://www.sanjoseca.gov/budget>.

MEF/CEO can use the information in the Adopted Operating Budget, City's Capital Budget, and the City's Five Year Forecast to determine this information.

5. Total amount of general fund transfer to the capital projects fund projected for FY2011 and projected for FY2012 broken down by ongoing projects and new projects scheduled to start in FY2011 and projected to start in FY2012.

Although this information does not appear to be relevant to MEF/CEO negotiations, information related to general fund transfers to capital projects are available in the City's Adopted Operating Budget, City's Capital Budget, and the City's Five Year Forecast, which are available on the City's website at: <http://www.sanjoseca.gov/budget>.

MEF/CEO can use the information in the Adopted Operating Budget, City's Capital Budget, and the City's Five Year Forecast to determine this information.

6. Most recent comprehensive study of the city's fees for licenses and permits.

Although this information does not appear to be relevant to MEF/CEO negotiations, information related to the City's fees for licenses and permits are available in the City's Adopted Fees and Charges Report, which is available on the City's website at: <http://www.sanjoseca.gov/budget>.

7. Most recent comprehensive study of the city's departmental charges.

Although this information does not appear to be relevant to MEF/CEO negotiations, information related to the City's departmental charges are available in the City's Adopted Fees and Charges Report, which is available on the City's website at: <http://www.sanjoseca.gov/budget>.

8. Total overtime expenditures by city department in each of the last five fiscal years and the projection for FY2011 and FY2012.

The City would have to do significant analysis to provide MEF/CEO with the overtime expenditures by City department for the last five (5) Fiscal Years, as well as projections for future years. Please see attached cost estimate (Attachment A).

Even if the City had this data readily available, the items requested are not presumptively relevant because MEF/CEO have asked for information related to employees not represented by MEF/CEO. Please provide written explanation as to the relevance of this data to MEF/CEO negotiations.

Sincerely,



Gina Donnelly  
Deputy Director of Employee Relations

## Attachment A

## Estimated Cost to Compile Requested Information

MEF/CEO Information Request Dated March 14, 2011

Item No.	Request Description	Request Complexity	Responsible Area	Accountant II	Financial Analyst or SR Accountant	Program Manager II	Total Cost
1	List of all Job Titles in the bargaining unit w salary information, date of hire, and fund in which the personnel cost are accounted.	5	Payroll	\$ 517.39	\$ 211.35	\$ 157.30	\$ 886.04
2	Total overtime expenditures by City department for the for each of the last 5 fiscal years and the projection for 2011-2012	5	Payroll	\$ 359.30	\$ 469.68	\$ 157.30	\$ 986.27
<b>Totals</b>				\$ 876.70	\$ 681.03	\$ 314.59	\$ 1,872.32